

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on January 22, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None.

Members Absent: Rep. Ken Peterson, Vice Chairman (R), Rep. Bob Ebinger (D), Rep. Arlene Becker (D)

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing: HB 246 and HB 228
Executive Action: None

HEARING ON HB 246

Opening Statement by Sponsor:

00:01:47 Rep. Joel Boniek (R), HD 61, opened the hearing on
HB 246, Exempt Montana-made firearms and ammunition
from commerce clause.

EXHIBIT(juh15a01)

00:06:33 Chairman Stoker

Proponents' Testimony:

00:07:24 Gary Marbut, Montana Shooting Sports Association
00:12:04 Chairman Stoker
00:12:34 David Anderson, Constitution Party
00:13:32 Chairman Stoker
00:13:36 Lincoln Dziekonski, federally-licensed firearms dealer
00:14:27 Chairman Stoker
00:14:28 Rep. Peterson joined meeting.
00:14:34 Franklin Shook (a.k.a. Elias Alias), Jefferson River
Coalition
00:15:20 Chairman Stoker
00:15:24 Kim Milburn, Montana City, Montana
00:16:30 Chairman Stoker
00:16:35 Randy Pinocci, Sun River, Montana
00:16:57 Chairman Stoker
00:17:02 Lloyd Phillips, Highpoint Outdoor Adventures
00:17:39 Chairman Stoker
00:18:52 Paul Stramer, Eureka, Montana
00:19:28 Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:20:56 Rep. Regier
00:21:06 Chairman Stoker
00:21:07 Rep. Boniek
00:21:10 Rep. Regier
00:21:20 Rep. Boniek
00:21:27 Chairman Stoker
00:21:34 Rep. MacDonald
00:22:00 Mr. Milburn
00:23:17 Chairman Stoker
00:23:27 Rep. More
00:23:37 Chairman Stoker
00:23:40 Rep. More
00:24:11 Mr. Dziekonski

00:24:28 Chairman Stoker
00:24:33 Rep. Howard
00:24:47 Chairman Stoker
00:24:49 Rep. Howard
00:24:51 Mr. Dziekonski
00:25:07 Rep. Howard
00:25:24 Rep. Blewett
00:25:57 Mr. Marbut
00:26:35 Chairman Stoker
00:26:43 Rep. Blewett
00:27:01 Mr. Marbut
00:27:49 Rep. Blewett
00:27:59 Mr. Marbut
00:28:11 Chairman Stoker
00:28:14 Rep. Kottel
00:28:30 Mr. Marbut
00:28:32 Rep. Kottel
00:29:37 Mr. Marbut
00:30:24 Rep. Kottel
00:31:08 Mr. Marbut
00:31:34 Chairman Stoker
00:31:39 Rep. More
00:32:08 Mr. Marbut
00:32:51 Rep. More
00:32:58 Chairman Stoker
00:33:00 Rep. Blewett
00:33:17 Mr. Marbut
00:33:50 Rep. Blewett
00:34:15 Mr. Marbut
00:34:58 Chairman Stoker

Closing by Sponsor:

00:35:20 Rep. Boniek
00:36:57 Chairman Stoker

HEARING ON HB 228

Opening Statement by Sponsor:

00:37:26 Rep. Krayton Kerns (R), HD 58, opened the hearing on
HB 228, Citizen self-defense and firearm rights.

EXHIBIT(juh15a02)

EXHIBIT(juh15a03)

00:53:32 Rep. Ebinger joined meeting.
00:53:44 Chairman Stoker
00:53:50 Rep. Kerns
00:53:56 Chairman Stoker

Proponents' Testimony:

00:55:11 Gary Marbut, Montana Shooting Sports Association
01:02:00 Chairman Stoker
01:02:04 Garrett Bacon, East Helena, Montana
01:02:20 Chairman Stoker
01:02:25 Mike Craddock, Students for Concealed Carry on Campus
01:03:49 Chairman Stoker
01:03:55 Brian Judy, National Rifle Association

EXHIBIT (juh15a04)

01:15:26 Chairman Stoker
01:16:05 Lee Bruner, Silver Bow County, Montana
01:17:44 Chairman Stoker
01:17:48 Kim Milburn, Montana City, Montana
01:19:12 Chairman Stoker
01:19:17 Wayne Delzer, Canyon Creek, Montana
01:21:10 Chairman Stoker
01:21:14 Bruce Charles, Mineral County
01:23:33 Chairman Stoker
01:23:35 Dale Fricke, Bozeman
01:27:11 Chairman Stoker
01:27:17 David Anderson, Chairman of Yellowstone County
Constitution Party

[Rep. Sands exits meeting.]

01:29:32 Chairman Stoker
01:29:41 Lloyd Phillips, Missoula
01:31:16 Chairman Stoker
01:31:20 Lincoln Dziekonski, federally-licensed firearms dealer
01:32:55 Chairman Stoker
01:33:03 Paul Stramer, Eureka, Montana
01:37:53 Chairman Stoker
01:38:18 Steve Hauk, Garrison, Montana
01:42:09 Chairman Stoker
01:42:13 Don Doig, Manhattan, Montana
01:42:54 Chairman Stoker
01:43:00 Franklin Shook, Jefferson River Coalition
01:43:32 Chairman Stoker
01:43:36 John Bennion, Montana Chamber of Commerce
01:44:02 Chairman Stoker
01:44:05 Dave Galt, Executive Director of Montana Petroleum
Association
01:44:37 Riley Johnson, National Federation of Independent
Business
01:44:55 Alfredo Romero
01:45:26 Chairman Stoker
01:45:27 Randy Pinocci, Sun River, Montana
01:46:33 Chairman Stoker

Opponents' Testimony:

01:47:19 Jim Smith, Montana Sheriffs and Peace Officers
Association and County Attorneys Association
01:54:20 Chairman Stoker
01:54:26 Dennis Paxinos, Yellowstone County Attorney
02:08:18 Rep. Kottel
02:08:23 Chairman Stoker
02:08:30 Mr. Paxinos
02:08:48 Chairman Stoker
02:08:50 Mr. Paxinos

[EXHIBIT\(juh15a05\)](#)

[EXHIBIT\(juh15a06\)](#)

02:16:41 Chairman Stoker
02:18:15 Pam Bucy
02:18:45 Rep. Kottel
02:18:49 Ms. Bucy
02:18:53 Chairman Stoker
02:18:56 Ms. Bucy
02:19:08 Chairman Stoker

Proponents' Testimony:

02:19:26 Mike Manion, Chief Legal Counsel, Department of
Administration (DOA)
02:19:54 Chairman Stoker
02:20:01 Mr. Manion

Opponents' Testimony:

02:20:47 Sheriff Jim Cashell, Sheriff of Gallatin County
02:29:14 Chairman Stoker
02:29:48 Vern Burdick, Sheriff of Chouteau County
02:31:00 Chairman Stoker
02:31:12 Jesse Slaughter, Great Falls Police Department
02:34:58 Chairman Stoker
02:35:09 Jamee Greer, Montana Human Rights Network
02:36:16 Chairman Stoker
02:36:23 Mark Muir, Chief of Police, City of Missoula

Informational Testimony:

02:36:55 Chairman Stoker
02:37:04 Chief Muir
02:40:11 Chairman Stoker
02:40:16 Chief Muir
02:43:06 Chairman Stoker

Questions from Committee Members and Responses:

02:43:52 Rep. Kottel
02:45:10 Chairman Stoker
02:45:14 Rep. MacDonald
02:46:45 Officer Slaughter
02:47:19 Chairman Stoker
02:47:23 Rep. Wagner
02:47:36 Chairman Stoker
02:47:44 Sheriff Cashell
02:47:46 Rep. Wagner
02:48:16 Sheriff Cashell
02:48:28 Rep. Wagner
02:48:30 Chairman Stoker
02:48:34 Rep. Menahan
02:49:36 Mr. Marbut
02:49:42 Rep. Menahan
02:49:55 Chairman Stoker
02:49:57 Rep. Menahan
02:50:02 Mr. Marbut
02:50:07 Rep. Menahan
02:51:33 Mr. Marbut
02:52:36 Chairman Stoker
02:52:40 Rep. Wagner
02:53:46 Mr. Paxinos
02:54:47 Rep. Wagner
02:54:48 Chairman Stoker
02:54:49 Rep. Wagner
02:55:14 Mr. Paxinos
02:55:26 Rep. Wagner
02:55:28 Chairman Stoker
02:55:31 Rep. Blewett
02:56:38 Mr. Paxinos
02:57:53 Chairman Stoker
02:57:56 Rep. Peterson
02:58:22 Mr. Paxinos
02:58:48 Rep. Peterson
02:58:50 Chairman Stoker
02:59:00 Rep. Wagner
02:59:02 Chairman Stoker
02:59:04 Rep. Wagner
02:59:35 Mr. Paxinos
03:00:05 Rep. Wagner
03:00:56 Mr. Paxinos
03:01:24 Rep. Wagner
03:01:26 Chairman Stoker
03:01:27 Rep. Kottel
03:02:27 Mr. Marbut
03:02:55 Rep. Kottel
03:04:37 Mr. Marbut
03:05:03 Chairman Stoker

Closing by Sponsor:

03:05:11 Rep. Kerns

03:05:18 Chairman Stoker

ADJOURNMENT

03:05:34 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

[EXHIBIT\(juh15a07\)](#)

[EXHIBIT\(juh15a08\)](#)

Additional Documents:

EXHIBIT([juh15aad.pdf](#))